

# CHIEF OF DETECTIVES

## NOTICE

1.8

October 30, 2017

**TO:** All Concerned Personnel

**FROM:** Chief of Detectives

**SUBJECT:** CITY ATTORNEY FILING GUIDELINES AND CODE SECTIONS PERTINENT TO CROWD MANAGEMENT INCIDENTS AND UNLAWFUL ASSEMBLIES

The Department has placed a high priority on ensuring that when arrests are effected as part of an incident management strategy, that successful prosecutions result. It is essential that the proper criminal charges are used and the recordation and collection of all the pertinent evidence be obtained and submitted to the prosecuting agency.

This Notice serves as a follow-up to the Counter-Terrorism and Special Operations Bureau (CTSOB) Notice, dated August 2, 2017, *Unlawful Assembly Checklist*. Detective Bureau (DB) participated in a working group including personnel from the City Attorney's Office, the Office of Operations and CTSOB to provide additional detailed information on Penal, Vehicle and Municipal Code Sections applicable to Unlawful Assemblies.

Personnel are reminded that each Incident Management Team will provide guidance on the preferred code sections to be used, especially in mass arrest situations, and the CTSOB Notice referenced above identifies the four preferred violations.


Attached is an eighteen-page document prepared by the City Attorney's Office identifying those four preferred violations as well as additional Penal, Vehicle and Municipal code sections applicable to Unlawful Assemblies, and especially, the requirements for criminal filing and successful prosecutions.

Should you require additional information, please contact Detective Robert Palacios, Juvenile Division, at (213) 486-0507.

APPROVED:



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Chief of Detectives



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Office of the Chief of Police

Attachment

DISTRIBUTION "B"

## Possible Charges and Evidentiary Recommendations for Demonstration and Riot Cases

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**\*CANNOT STRESS THE IMPORTANCE OF VIDEO IN A MASS ARREST SITUATION!\***

- Having video evidence is most critical in mass arrest situations to show that suspects were present the whole time and rebut claims that they were merely innocent bystanders who got caught up with the crowd.
- Video is necessary for identification of each particular arrestee by an officer. The inability to identify the suspect who was involved in criminal activity is a major issue in mass arrest cases.

**Note:** these are only *recommendations*. Even in a situation in which the recommendations have been technically met, the filing deputy may still reject a case for filing if he/she does not believe the facts presented are sufficient to sustain a conviction. Conversely, even when all the recommendations are not technically met, a filing deputy may still file a case if the facts presented clearly and strongly establish a violation of law.

**Note:** These evidentiary recommendations contain information from the Office of the Los Angeles City Attorney which may be confidential or protected by the attorney-client privilege and/or the work product doctrine. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the content of this information is prohibited

## **Penal Code § 69. Resisting executive officers**

Every person who attempts, by means of any threat or violence, to deter or prevent an executive officer from performing any duty imposed upon such officer by law, or who knowingly resists, by the use of force or violence, such officer, in the performance of his duty, is punishable by a fine not exceeding ten thousand dollars (\$10,000), or by imprisonment pursuant to subdivision (h) of Section 1170, or in a county jail not exceeding one year, or by both such fine and imprisonment.

### **Evidentiary Recommendations:**

1. The report must include a detailed narrative of the suspect purposely using violence or a threat of violence in trying to prevent or deter a police officer from lawfully doing their job.
2. The report must include information to show that when the suspect acted, he or she intended to prevent the officer from doing his/her job.

**OR**

1. The report must include a detailed narrative of the suspect using force or violence when resisting a police officer.
  2. The report must include information to show that when the suspect acted, that the officer was lawfully performing his/her job.
  3. The report must include information to show that when the suspect acted, the suspect knew the officer was acting in his/her capacity as a police officer.
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## **Penal Code § 148(a). Resisting public or peace officers or emergency medical technicians in discharge of their duties**

(1) Every person who willfully resists, delays, or obstructs any public officer, peace officer, or an emergency medical technician, in the discharge or attempt to discharge any duty of his or her office or employment, when no other punishment is prescribed, shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment.

(2) Except as provided by subdivision (d) of Section 653t, every person who knowingly and maliciously interrupts, disrupts, impedes, or otherwise interferes with the transmission of a communication over a public safety radio frequency shall be punished by a fine not exceeding one thousand dollars (\$1,000), imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.

### **Evidentiary Recommendations:**

1. The report must include a detailed narrative that while an officer was lawfully performing their duties as an officer, that the suspect either resisted, obstructed, or delayed that officer from performing those duties.
2. The report needs to detail how specifically the suspect either resisted, obstructed or delayed the officer.
3. The report must include information that the suspect knew, or reasonably should have known under the circumstances, that the person they interfered... with was a police officer acting in his/her capacity as a police officer.

## **Filing Deputies: How to know which to file: PC §69 or PC §148(a)(1)**

There are two theories for violating PC §69. One is as a general intent crime and the other is as a specific intent crime. When prosecuting it as a general intent crime, PC §148(a)(1) is a lessor included. There are no lessor included crimes when filing as a specific intent crime.

A general intent crime involves a situation where the defendant merely intended the act.

A specific intent crime is when the defendant intended the result.

### Specific Intent version of violating PC §69:

1. The defendant willfully and unlawfully used violence or a threat of violence to try to prevent or deter an executive officer from performing the officer's lawful duty;
- AND
2. When the defendant acted, he intended to prevent or deter the executive officer from performing the officer's lawful duty.

### General Intent Version of violating PC §69:

1. The defendant unlawfully used force or violence to resist an executive officer;
2. When the defendant acted, the officer was performing his lawful duty;
- AND
3. When the defendant acted, he knew the executive officer was performing his duty.

**The difference between PC §148(a)(1) and the 'General Intent' PC §69 is the use of force or violence. Without a defendant using force or violence to resist, we only have a PC §148(a)(1). There is no lessor included for the specific intent crime. PC §148(a)(1) is not a lessor included for that theory. *People v. Smith* (2013) 57 Cal.4th 232, 240-245.**

A person who violates section 69 in the second way—by "knowingly resist[ing], by the use of force or violence, such officer, in the performance of his duty"—also necessarily violates section 148(a)(1) by "willfully resist[ing] ... any public officer ... in the discharge or attempt to discharge any duty of his or her office or employment." (*People v. Lacefield* (2007) 157 Cal.App.4th 249, 257 [68 Cal. Rptr. 3d 508] (*Lacefield*) [\*\*\*\*14] ["it appears to be impossible to violate the second type of offense in section 69 without also violating section 148(a)(1) ... ."]) But it is possible to violate section 69 in the first way—by attempting, through threat or violence, to deter or prevent an executive officer from performing a duty—without also violating section 148(a)(1). A person who threatens an executive officer in an attempt to deter the officer from performing a duty "at some time in the future" (*In re Manuel G.*, *supra*, 16 Cal.4th at p. 817) does not necessarily willfully resist that officer in the

discharge or attempt to discharge his or her duty under section 148(a)(1). Accordingly, section 148(a)(1) is not a lesser included offense of section 69 based on the statutory elements of each offense. (*People v. Belmares* (2003) 106 Cal.App.4th 19, 24 [130 Cal. Rptr. 2d 400] ["By the statutory elements test, ... resisting is not a lesser included offense of deterring since one can deter an officer's duty in the future (§ 69) without resisting the officer's discharge or attempted discharge of a duty at that time (§ 148, subd. (a)(1))."]; *People v. Lopez* (2005) 129 Cal.App.4th 1508, 1532 [29 Cal. Rptr. 3d 586] ["section 148 is not a lesser included offense [\*\*\*\*15] of section [\*242] 69, because section 69 can involve a present attempt to deter an officer's future duty"].) We disapprove *People v. Lacefield*, *supra*, 157 Cal.App.4th 249 to the extent it held that section 148(a)(1) is a necessarily lesser included offense of section 69 based upon the statutory elements of those offenses. (*Lacefield*, at p. 259.)



## **Penal Code § 242. Battery, defined**

A battery is any willful and unlawful use of force or violence upon the person of another.

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## **Penal Code § 243. Punishment for battery against specified officers or others**

(b) When a battery is committed against the person of a peace officer, custodial officer, firefighter, emergency medical technician, lifeguard, security officer, custody assistant, process server, traffic officer, code enforcement officer, animal control officer, or search and rescue member engaged in the performance of his or her duties, whether on or off duty, including when the peace officer is in a police uniform and is concurrently performing the duties required of him or her as a peace officer while also employed in a private capacity as a part-time or casual private security guard or patrolman, or a nonsworn employee of a probation department engaged in the performance of his or her duties, whether on or off duty, or a physician or nurse engaged in rendering emergency medical care outside a hospital, clinic, or other health care facility, and the person committing the offense knows or reasonably should know that the victim is a peace officer, custodial officer, firefighter, emergency medical technician, lifeguard, security officer, custody assistant, process server, traffic officer, code enforcement officer, animal control officer, or search and rescue member engaged in the performance of his or her duties, nonsworn employee of a probation department, or a physician or nurse engaged in rendering emergency medical care, the battery is punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.

### **Evidentiary Considerations for PC §242/243(b):**

1. The report must include a detailed narrative that the suspect purposely touched an officer in a harmful or offensive manner.
2. The report must include information that at the time the suspect touched the officer, that the suspect knew, or should have known, that the officer was a police officer acting in his/her capacity of a police officer.
3. It should be clear from the report that the suspect was not acting in self-defense.

### **ADDITIONAL EVIDENTIARY CONSIDERATIONS**

- **Make sure someone can identify the suspect.** While this seems obvious, in a mass arrest situation, if an officer is hit, let's say for example because someone throws a bottle, they may not see who threw it. We need to make sure there is someone who can identify the person who actually engaged in the unlawful actions. Again, video evidence helps make the case provable.

## **Penal Code § 369i. Unauthorized entry upon railroad (RR) property**

(a) Any person who enters or remains upon the property of any railroad without the permission of the owner of the land, the owner's agent, or the person in lawful possession and whose entry, presence, or conduct upon the property interferes with, interrupts, or hinders, or which, if allowed to continue, would interfere with, interrupt, or hinder the safe and efficient operation of any locomotive, railway car, or train is guilty of a misdemeanor.

As used in this subdivision, "property of any railroad" means any land owned, leased, or possessed by a railroad upon which is placed a railroad track and the land immediately adjacent thereto, to the distance of 20 feet on either side of the track, which is owned, leased, or possessed by a railroad.

(b) Any person who enters or remains upon any transit-related property without permission or whose entry, presence, or conduct upon the property interferes with, interrupts, or hinders the safe and efficient operation of the transit-related facility is guilty of a misdemeanor.

As used in this subdivision, "transit-related property" means any land, facilities, or vehicles owned, leased, or possessed by a county transportation commission, transportation authority, or transit district, as defined in Section 99170 of the Public Utilities Code, that are used to provide public transportation by rail or passenger bus or are directly related to that use.

**(c) This section does not prohibit picketing in the immediately adjacent area of the property of any railroad or transit-related property or any lawful activity by which the public is informed of the existence of an alleged labor dispute.**

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### **Evidentiary Recommendations:**

1. The report must include a narrative that describes the suspect entering or remaining upon the property of any railroad;
2. The report must include a statement or information from someone with authority from the RR stating that the suspect did not have permission to be on the property of the RR;
3. The report must include information showing that the entry, presence, or conduct upon the property interfered with, interrupted, or hindered the safe and efficient operation of any train.

### **Additional Recommendations:**

- We MUST have a witness...
  - who is familiar with the railroad in question
  - who can testify that no permission was given
  - who is knowledgeable regarding distances involved with the facts.



## **Penal Code § 409. Remaining present at place of riot, after dispersal warning**

Every person remaining present at the place of any riot, rout, or unlawful assembly, after the same has been lawfully warned to disperse, except public officers and persons assisting them in attempting to disperse the same, is guilty of a misdemeanor.

### **Jury Instructions:**

1. Defendant was present at the location of a riot, rout or unlawful assembly
2. A public officer lawfully order the defendant to disperse
3. The defendant willfully remained present at the location of the riot, rout, unlawful assembly after the final order to disperse
4. The defendant was not a public officer or a person assisting an officer in attempting to disperse the riot, rout, unlawful assembly.

\*We do not have to prove that the defendant participated in the riot, rout or unlawful assembly.

[A *riot* occurs when two or more people, acting together and without legal authority, disturb the public peace by using force or violence or by threatening to use force or violence with the immediate ability to carry out those threats.] (PC§404)

[A *rout* occurs when two or more people, assembled and acting together, make an attempt to commit or advance toward committing an act that would be a riot if actually committed.] (PC§406)

[An *unlawful assembly* occurs when two or more people assemble together (to commit a crime/ [or] to do a lawful act in a violent manner). (PC§407)

[When two or more people assemble to do a lawful act in a violent manner, the assembly is not *unlawful* unless violence actually occurs or there is a clear and present danger that violence will occur immediately.]

## **EVIDENTIARY CONSIDERATIONS THAT MUST BE INCLUDED IN ALL POLICE REPORTS FOR MASS ARRESTS:**

- The suspect was present at the assembly (usually through VIDEO);
- Some members of the assembly (not necessarily the defendant) had assembled to commit a crime;
  - That "crime" needs to be articulated by the arresting officer – please don't just state the penal section. Rather, describe behavior that established the crime;

- Orders to disperse were made;
  - **TWO dispersal orders** should be given and read verbatim
  - Dispersal orders shall be given in BOTH English and in Spanish (by a qualified Spanish speaking officer)
  - The dispersal order must be on video – and show all (or as many as possible) persons present at time dispersal order given
  - At specific times (Officer should know exactly where he/she was and at what time the dispersal order was given)
  - Give a specific direction to disperse safely and avoid arrest
  - Give a specific time to leave by and how long they have until then (For example – you have until 5:18pm to disperse. It is now 5:10, you have 8 minutes to disperse.)
  - Note the time(s) the actual dispersal order(s) is given
- The officer who made the order to disperse was in uniform;
- The suspect was present during the dispersal order (Can be seen on video – or identified specifically by a police officer to say the suspect was there);
- The suspect had knowledge that the assembly was unlawful or had become unlawful;
- The suspect willfully remained present at the location, *i.e.*, he or she refused to disperse after dispersal order was given;
- An officer **MUST** be able to ID the suspect AND articulate the illegal act that the suspect engaged in;
- An arrest photo of the suspect (noting name and booking number) with the arresting officer (name and serial number).

**NOTE:** The above are extremely hard to prove in any mass arrest case without video!!



## Penal Code § 416. Refusing to disperse upon lawful command

(a) If two or more persons assemble for the purpose of disturbing the public peace, or committing any unlawful act, and do not disperse on being desired or commanded so to do by a public officer, the persons so offending are severally guilty of a misdemeanor.

(b) Any person who, as a result of violating subdivision (a), personally causes damage to real or personal property, which is either publicly or privately owned, shall make restitution for the damage he or she caused, including, but not limited to, the costs of cleaning up, repairing, replacing, or restoring the property. Any restitution required to be paid pursuant to this subdivision shall be paid directly to the victim. If the court determines that the defendant is unable to pay restitution, the court shall order the defendant to perform community service, as the court deems appropriate, in lieu of the direct restitution payment.

(c) This section shall not preclude the court from imposing restitution in the form of a penalty assessment pursuant to Section 1464 if the court, in its discretion, deems that additional restitution appropriate.

(d) The burden of proof on the issue of whether any defendant or defendants personally caused any property damage shall rest with the prosecuting agency or claimant. In no event shall the burden of proof on this issue shift to the defendant or any of several defendants to prove that he or she was not responsible for the property damage.

### Evidentiary Recommendations:

1. The report must include information that the suspect assembled with one or more other people.
2. The report must include information that the suspect intended to disturb the peace or commit a crime.

**NOTE:** A person *intends to disturb the peace* if he or she intends to commit overt acts that are themselves violent or that tend to incite others to violence

3. The report must include a statement demonstrating that an officer had probable cause to believe that the purpose of the assembly was unlawful.

An officer has *probable cause* to believe that the purpose of the assembly is unlawful if the officer knows facts that would persuade someone of reasonable caution to believe that the people present intend to immediately commit criminal or violent acts/ [or] incite others to immediately commit acts of violence.

In deciding whether the officer has probable cause, consider evidence of the officer's training and experience and all the circumstances the officer knew of at the time the incident occurred.

4. The report must include details regarding a police officer lawfully warning the suspect to disperse.
5. The report must include detailed information that after the dispersal order was given, the suspect remained present at the location.

## EVIDENTIARY CONSIDERATIONS THAT MUST BE INCLUDED IN ALL POLICE REPORTS FOR MASS ARRESTS:

- The suspect was present at the assembly (usually through VIDEO);
- Some members of the assembly (not necessarily the defendant) had assembled to commit a crime;
  - That "crime" needs to be articulated by the arresting officer – please don't just state the penal section. Rather, describe behavior that established the crime;
- Orders to disperse were made;
  - **TWO dispersal orders** should be given and read verbatim
  - Dispersal orders shall be given in BOTH English and in Spanish (by a qualified Spanish speaking officer)
  - The dispersal order **must be** on video – and show all (or as many as possible) persons present at time dispersal order given
  - At specific times and locations (Officer should know exactly what time and where he/she was when the dispersal order was given)
  - Give a specific direction to disperse safely and avoid arrest
  - Give a specific time to leave by and how long they have until then (For example – you have until 5:18pm to disperse. It is now 5:10, you have 8 minutes to disperse.)
  - Note the time(s) the actual dispersal order(s) is given
- The officer who made the order to disperse was in uniform;
- The suspect was present during the dispersal order (Can be seen on video – or identified specifically by a police officer to say the suspect was there);
- The suspect had knowledge that the assembly was unlawful or had become unlawful;
- The suspect willfully remained present at the location, *i.e.*, he or she refused to disperse after dispersal order was given;
- An officer **MUST** be able to ID the suspect AND articulate the illegal act that the suspect engaged in;
- An arrest photo of the suspect (noting name and booking number) with the arresting officer (name and serial number).

A public officer *lawfully warns people to disperse* when the officer directs them, in the name of the People of the State, to immediately disperse. The officer is not required to use any particular words. However, the words used must be sufficient to inform a reasonable person that the officer is acting in an official capacity and ordering people to leave the area. In addition, the officer must communicate the order in a reasonable way that ensures that the order is heard. Nevertheless, the manual has specific language that LAPD follows when giving a dispersal order. That language should always be used.



### **Penal Code § 555. Entry upon posted property**

It is unlawful to enter or remain upon any posted property without the written permission of the owner, tenant, or occupant in legal possession or control thereof. Every person who enters or remains upon posted property without such written permission is guilty of a separate offense for each day during any portion of which he enters or remains upon such posted property.

### **EVIDENTIARY CONSIDERATIONS**

- Include a photograph or video of the posted advisement
- We MUST have a witness...
  - who is familiar with the posted property in question
  - who can testify that no permission was given to post such sign

## Penal Code § 602. Trespasses

Except as provided in subdivision (u), subdivision (v), subdivision (x), and Section 602.8, every person who willfully commits a trespass by any of the following acts is guilty of a misdemeanor:

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(o) Refusing or failing to leave land, real property, or structures belonging to or lawfully occupied by another and not open to the general public, upon being requested to leave by (1) a peace officer at the request of the owner, the owner's agent, or the person in lawful possession, and upon being informed by the peace officer that he or she is acting at the request of the owner, the owner's agent, or the person in lawful possession, or (2) the owner, the owner's agent, or the person in lawful possession. The owner, the owner's agent, or the person in lawful possession shall make a separate request to the peace officer on each occasion when the peace officer's assistance in dealing with a trespass is requested. However, a single request for a peace officer's assistance may be made to cover a limited period of time not to exceed 30 days and identified by specific dates, during which there is a fire hazard or the owner, owner's agent, or person in lawful possession is absent from the premises or property. In addition, a single request for a peace officer's assistance may be made for a period not to exceed six months when the premises or property is closed to the public and posted as being closed. **However, this subdivision shall not be applicable to persons engaged in lawful labor union activities which are permitted to be carried out on the property by the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 (commencing with Section 1140) of Division 2 of the Labor Code) or by the National Labor Relations Act.** For purposes of this section, land, real property, or structures owned or operated by any housing authority for tenants as defined under Section 34213.5 of the Health and Safety Code constitutes property not open to the general public; however, **this subdivision shall not apply to persons on the premises who are engaging in activities protected by the California or United States Constitution, or to persons who are on the premises at the request of a resident or management and who are not loitering or otherwise suspected of violating or actually violating any law or ordinance.**

### Evidentiary Recommendations:

1. The report must include detailed information that the suspect is refusing or failing to leave land/property/structure
2. The report must include any specifics that show that the land belongs to or is lawfully occupied by another and is not open to the general public (Photographs and/or videos are extremely helpful and highly recommended)
3. The report must include the details of who/what/when and how suspect was lawfully asked to leave by either a peace officer at the request of the owner or the owner or owner's agent (if this was documented, please get copy for us).



## **Penal Code § 602.1(b) Intentional Interference with business establishment**

(b) Any person who intentionally interferes with any lawful business carried on by the employees of a public agency open to the public, by obstructing or intimidating those attempting to carry on business, or those persons there to transact business with the public agency, and who refuses to leave the premises of the public agency after being requested to leave by the office manager or a supervisor of the public agency or by a peace officer acting at the request of the office manager or a supervisor of the public agency is guilty of a misdemeanor.

### **Evidentiary Recommendations:**

1. The report must identify what business is being interfered with
2. The report must include the names and contact information of who the witnesses are that observed and can show the interference
3. The report must include the names and identifying information of public and employees who could not carry on their business.
4. The report must include a detailed narrative regarding the circumstances around the officers informing the protester that if they do not leave, they will be arrested

## **Penal Code § 647c. Obstruction of thoroughfares and public places**

Every person who willfully and maliciously obstructs the free movement of any person on any street, sidewalk, or other public place or on or in any place open to the public is guilty of a misdemeanor.

.....

### **Jury Instruction:**

1. The defendant willfully and maliciously obstructs the free movement of a person;

AND

2. Defendant was on a street, sidewalk, or other public place or on or in a place open to the public.

Someone acts *maliciously* when he or she imports a wish to vex, annoy or injure another person, or an intent to do a wrongful act.

Note: This is a General Intent Crime

People v. Man/Dickerson/Hixon, 39 Cal.App. 3d Supp. 1. Decided April 23, 1974

### **Important Evidentiary Recommendations:**

- You will need to have an officer testify as to the actions of each specific suspect
- The suspect will need to be identified by an officer
- Jury will want to see video/photos or officer will need to have very detailed testimony of how suspect (herself/himself) actually blocked the thoroughfare
- If suspects use cars to block thoroughfare, arresting officer should note the license plate numbers of the cars blocking AND obtain contact information for anyone in their car that was blocked.



**Vehicle Code § 2800(a). Refusal to comply with lawful order of peace officer, to submit to lawful inspection, or to comply with lawful out-of-service order**

(a) It is unlawful to willfully fail or refuse to comply with a lawful order, signal, or direction of a peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, when that peace officer is in uniform and is performing duties pursuant to any of the provisions of this code, or to refuse to submit to a lawful inspection pursuant to this code.

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**EVIDENTIARY RECOMMENDATIONS:**

1. The report must include a detailed account by the Officer of the orders/signal or direction that he/she was lawfully giving to the suspect
2. The report must include information that the orders/signal/direction were given based on an underlying Vehicle Code violation – specifically what that vehicle violation was.
3. The report must articulate that the Officer giving the orders was in uniform at the time.
4. The report must include a detailed narrative regarding the fact that he/she specifically gave the order/signal/direction to the suspect or if given to a group that the officer can say for certain that the suspect was present in that group and it was reasonable that he/she heard the order given
5. VIDEO is highly recommended.

## **Vehicle Code § 21954. Pedestrians outside crosswalks (Infraction)**

(a) Every pedestrian upon a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway so near as to constitute an immediate hazard.

(b) The provisions of this section shall not relieve the driver of a vehicle from the duty to exercise due care for the safety of any pedestrian upon a roadway.

NOTE: It is not a violation of VC §21954 to walk in the middle of the street if there is no immediate hazard. (It would be a violation of VC §21955 if this took place between two intersections controlled by signal devices or by police officers, even if there was no immediate hazard.)



## LOS ANGELES MUNICIPAL CODES (LAMC)

### **LAMC § 41.18. Sidewalks, Pedestrian Subways — Loitering**

(a) No person shall stand in or upon any street, sidewalk or other public way open for pedestrian travel or otherwise occupy any portion thereof in such a manner as to annoy or molest any pedestrian thereon or so as to obstruct or unreasonably interfere with the free passage of pedestrians.

. . . . .

(d) No person shall sit, lie or sleep in or upon any street, sidewalk or other public way.

The provisions of this subsection shall not apply to persons sitting on the curb portion of any sidewalk or street while attending or viewing any parade permitted under the provisions of Section 103.111 of Article 2, Chapter X of this Code; nor shall the provisions of this subsection apply to persons sitting upon benches or other seating facilities provided for such purpose by municipal authority or permitted by this Code.

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### **LAMC § 56.45(e). Prohibition Against Targeted Demonstrations Focused Upon and At a Private Residence**

Any person, acting alone or in concert with others, who pickets, parades or patrols in a manner that is both (1) focused upon the private residence or dwelling of any individual residing within the City of Los Angeles, and (2) takes place within one hundred (100) feet of such private residence shall be guilty of a misdemeanor.

Except as specified herein, nothing in this subsection shall prohibit generally the peaceful picketing or distributing pamphlets, going door-to-door, alone or in groups, in residential neighborhoods.

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### **LAMC § 80.02 Obedience to Officers.**

No person shall willfully fail or refuse to comply with any lawful order, direction or signal of a police officer, guard or special officer

**\*\*This is an Infraction.** Again, as with all citations for infractions, besides the elements, the officer must be able to identify the person to whom the citation was issued.

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